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Page 6

Thursday, May 5, 1966

A Disturbing Case

Whether any real-life secret agents have licenses to kill—as does the fictional James Bond (007)—is something known only to a few men in the governments which employ them. But the agents do enjoy an immunity from responsibility for their actions that is denied to other citizens.

This was illustrated in Baltimore a few days ago in a slander action brought against a certain Juri Raus by one Eerik Heine. The latter had been publicly labeled a Soviet agent by the former.

Five government attorneys argued in federal court that Raus was acting under orders from the Central Intelligence Agency when he made his charge and was therefore immune from suit. They successfully shielded him from answering any questions, except those which they permitted. Asking dismissal of the suit, they argued that a trial, in which the CIA would be required to produce evidence to support the allegation against Heine, would "not be in the interest of the security of the United States."

Chief Judge Thomsen postponed further argument on the case to a later date.

When it comes to a choice between overriding the civil rights of one person or revealing the operations of an agency whose purpose is to safeguard the rights of all Americans, few would hesitate long to sacrifice the individual, especially if he is suspected of being a foreign agent.

In such a situation, even a judge may have no alternative but to rely on the word of responsible government officials and hope that the small wrong he permits will serve a larger good.

But the decision is not easy, and it is not a satisfying one. We wonder how far we can go in adopting the methods of totalitarianism in order to fight totalitarianism.

There is always the gnawing fear that a "license to kill" enemy agents could, sometime be turned into a license to silence anyone else who makes himself objectionable to the government.